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9 Attorneys for Plaintiff, HFC ACCEPTANCE, LLC

10
11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 HFC ACCEPTANCE, LLC, a
14 California limited liability company,
15 Plaintiff,
16 v.

17 AEZ Rent A Car LLC, a New York
limited liability company;
18 ICR Group LLC, a New York limited
liability company;
19 JHRC Corp, a New York corporation;
The Bar, LLC, a New York limited
20 liability company;
WCR Group, LLC, a New York
21 limited liability company;
YTS Group, LLC, a New York
22 limited liability company;
Yitzchok M. Birnhack, an individual
23 domiciled in New York,
24 Defendants.

Case No: 2:23-cv-07744-GW-AGR

**SUPPLEMENTAL DECLARATION
OF SHIR DAVIDOVICZ IN
SUPPORT OF PLAINTIFF'S RULE
26 REPORT**

STATUS CONFERENCE

Date: September 26, 2024
Time: 8:30 a.m.
Courtroom: 9D

DECLARATION OF SHIR DAVIDOVICZ

I, Shir Davidovicz, declare:

1. I am an attorney duly licensed to practice law in the State of California and am an associate at Buchalter, A Professional Corporation, and an attorney of record for Plaintiff HFC Acceptance, LLC ("Plaintiff") in this action. I am one of the attorneys primarily responsible for handling this matter on behalf of Plaintiff. As such, I have personal knowledge of the facts stated herein, and if called as a witness, I could and would testify competently to the truth thereof.

2. On August 30, 2024, I sent Defendant Yitzchok Birnhack ("Birnhack" or "Defendant") an email indicating that the Court ordered that the parties file a Joint Scheduling Report by noon on September 23, 2024, and that we are required to meet and confer. I asked him for his availability. After he did not respond, I sent a follow up correspondence on September 3, 2024. I also called Mr. Birnhack several times and left voicemails requesting that we set a time to meet and confer. A true and correct copy of the email string is attached as **Exhibit A**.

3. Because Mr. Birnhack did not respond, Plaintiff's counsel prepared a Joint 26(f) Status Report, with spaces for Mr. Birnhack to input his position. I sent Mr. Birnhack the draft Joint Status Report on September 19, 2024 and requested he submit his comments by Friday, September 20, 2024 at noon Pacific. Mr. Birnhack responded on Friday morning asking if he could respond by the evening of September 23, 2024. I informed Mr. Birnhack that is too late for the September 23, 2024 Noon filing deadline, and informed him that if Plaintiff did not receive his position by 7:00 AM Pacific time / 10:00 AM Eastern time, Plaintiff would file the report on its own behalf only. Mr. Birnhack did not respond. A true a correct copy of the email string is attached as **Exhibit B**.

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4. As of 11:00 AM Pacific time on September 23, 2024, Plaintiff's counsel had not received any comments to the Report, the executed Report, or any other response from Defendant Birnhack.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on September 23, 2024, at Los Angeles, California.

/s/ Shir Davidovicz
Shir Davidovicz

EXHIBIT A

From: [Davidovicz, Shir](#)
To: ["Isaac Birn"](#)
Cc: [Mark, David E.](#); [Brody, William S.](#); [Mayer, Danielle](#); [Wruble, Jeffrey S.](#)
Subject: RE: HFC v. AEZ - Meet and Confer before Sept. 26, 2024 Conference
Date: Tuesday, September 3, 2024 11:44:01 AM

Mr. Birnhack,

I am following up on the message below. Please let me know your availability for later today, tomorrow, and Thursday.

Best,

Shir

From: Davidovicz, Shir
Sent: Friday, August 30, 2024 7:50 PM
To: 'Isaac Birn' <isaacbirn@gmail.com>
Cc: Mark, David E. <dmark@buchalter.com>; Brody, William S. <WBRODY@buchalter.com>; Mayer, Danielle <dmayer@buchalter.com>; Wruble, Jeffrey S. <JWRUBLE@buchalter.com>
Subject: HFC v. AEZ - Meet and Confer before Sept. 26, 2024 Conference

Mr. Birnhack,

The Court ordered that we file a Joint Scheduling Report by noon on September 23, 2024. We are required to meet and confer on or before September 5th. Please let me know your availability to speak on either Tuesday, Wednesday, or Thursday as soon as possible.

Best,

Shir

EXHIBIT B

From: [Davidovicz, Shir](#)
To: [Isaac Birn](#)
Cc: [Brody, William S.](#); [Mark, David E.](#); [Mayer, Danielle](#); [Wruble, Jeffrey S.](#)
Subject: RE: HFC v. AEZ - [Draft] Rule 26(f)(84542314.5).docx
Date: Friday, September 20, 2024 5:02:49 PM

Mr. Birnhack,

The Report is due to the court by **noon** Pacific on Monday. I made multiple attempts to contact you to hold the required conference in advance of preparing a report within the required time frame, but did not receive a response. We are willing to accommodate receiving your portions of the report (there are placeholders for your portions in the document we sent you) and your authorization to file with your electronic signature by Monday, **September 23, 2024** at 10:00am Eastern/ 7:00am Pacific time, but cannot accommodate anything later. If we do not receive your portions by that time, we will proceed with filing a report on plaintiff's behalf only.

Best,
Shir

Buchalter

Shir Davidovicz she/her/hers

Attorney

T (213) 891-5134

C (213) 518-0887

sdavidovicz@buchalter.com

1000 Wilshire Boulevard, Suite 1500

Los Angeles, CA 90017-1730

www.buchalter.com

From: Isaac Birn <isaacbirn@gmail.com>
Sent: Friday, September 20, 2024 10:43 AM
To: Davidovicz, Shir <sdavidovicz@buchalter.com>
Cc: Brody, William S. <WBRODY@buchalter.com>; Mark, David E. <dmark@buchalter.com>; Mayer, Danielle <dmayer@buchalter.com>; Wruble, Jeffrey S. <JWRUBLE@buchalter.com>
Subject: Re: HFC v. AEZ - [Draft] Rule 26(f)(84542314.5).docx

This message has originated from an **External Email**. isaacbirn@gmail.com <isaacbirn@gmail.com>:

Please allow until the end of day Monday for a response as I am with my family preparing for Shabbat.

Thank you,

Isaac Birn
347-409-8300

On Thu, Sep 19, 2024 at 10:00 PM Davidovicz, Shir <sdavidovicz@buchalter.com> wrote:

Mr. Birnhack,

After making several attempts to contact you to meet and confer regarding the Rule 26(f) Report, we put together the attached draft. We have left spaces for you to input your position for each issue. Please return your comments and an agreement to input your electronic signature by no later than **noon** Pacific Time on September 20th. If we do not receive your comments and agreement to input your electronic signature by **noon** Pacific Time on September 20th, 2024, we will file a Rule 26(f) Report on Plaintiff's behalf only.

Best,
Shir

Buchalter

Shir Davidovicz she/her/hers

Attorney

T (213) 891-5134

C (213) 518-0887

sdavidovicz@buchalter.com

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PROOF OF SERVICE

HFC Acceptance, LLC, etc. v. AEZ Rent A Car LLC, etc., et al.
U.S.D.C. Case No. 2:23-cv-07744-GW-AGR

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, A Professional Corporation, 1000 Wilshire Boulevard, Suite 1500, Los Angeles, California 90017.

On the date set forth below, I served the foregoing document described as:
SUPPLEMENTAL DECLARATION OF SHIR DAVIDOVICZ IN SUPPORT OF PLAINTIFF'S RULE 26 REPORT

A true and correct copy of the foregoing document entitled (*specify*):

on all other parties and/or their attorney(s) of record to this action by ☐ faxing; ☒ e-mailing; and/or ☒ placing a true copy thereof in a sealed envelope as follows:

☒ **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** On September 23, 2024, Pursuant to L.R. 5-3.2.1, the document listed above will be served by the court via NEF and hyperlink to the document which effects electronic service on counsel who are registered with the CM/ECF system.

☒ **BY MAIL** I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. The address(es) shown above is(are) the same as shown on the envelope. The envelope was placed for deposit in the United States Postal Service at Buchalter in Los Angeles, California on September 23, 2024. The envelope was sealed and placed for collection and mailing with first-class prepaid postage on this date following ordinary business practices.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

09/23/2024

Annique Taylor

/s/ Annique Taylor

Date

Printed Name

Signature

BN 82298534V1

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SERVICE LIST

PROOF OF SERVICE RE: PLAINTIFF HFC ACCEPTANCE, LLC'S RESPONSE AND OBJECTION TO THE LETTER DATED JUNE 5, 2024, BY ISAAC BIRNHACK; AND NOTICE OF ENTRY OF ORDER
Case No. 2:23-cv-07744-GW-AGR

1 *HFC ACCEPTANCE, LLC, ETC. V. AEZ RENT A CAR LLC, ETC., ET AL.*
2 *U.S.D.C. CASE NO. 2:23-CV-07744-GW-AGR*

3 **Yitzchok M. Birnhack**

4 5314 16th Avenue, Suite 202
5 Brooklyn, NY 11204
6 Email: isaacbirn@gmail.com
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